

1 Hon. Ronald B. Leighton
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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 IN THE MATTER OF MOUSSA) No. MC08-5009-RBL
12 SYLLA, A# 93-436-832,)
13) THIRD ORDER EXTENDING
14) ORDER GRANTING MOTION TO
15) PROVIDE INVOLUNTARY MEDICAL CARE,
16) NUTRITION AND HYDRATION FOR INMATE
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25 The Department of Homeland Security, Immigration and Customs Enforcement (hereafter
26 “ICE”) has requested a third order extending the Order Granting Emergency Ex-Parte Motion to
27 Provide Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008, in
28 the above-captioned matter (Dkt. No. 5). The inmate in question, Moussa Sylla (A# 93-436-
832), is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma,
Washington. Based on the Declaration of Darin Smith, P-AC, dated June 24, 2008, and
information submitted by ICE, I find that there is sufficient cause to believe that without a
continuation of the requested medical testing and treatment, Mr. Sylla is in danger of irreparable
injury and possible death. Mr. Sylla’s current hunger strike poses a serious medical risk to
himself.

29 A review of the applicable law reveals that ICE has an affirmative statutory and
30 constitutional duty to care for and treat inmates in its custody. This Court has inherent authority
31 to issue an Order requiring ICE to undertake this affirmative duty, which includes provision of
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THIRD ORDER EXTENDING ORDER GRANTING
MOTION TO PROVIDE INVOLUNTARY MEDICAL CARE,
NUTRITION AND HYDRATION TO INMATE - 1

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1 forced feeding with plastic tubes through the nasal passage and/or by intravenous means. Such
2 treatment should be limited to that which is medically necessary for Mr. Sylla.

3 Therefore, IT IS HEREBY ORDERED that ICE may continue to undertake the medical
4 procedures and treatment described the Order Granting Emergency Ex-Parte Motion to Provide
5 Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008 (Dkt. No. 5)
6 until August 1, 2008, or until such procedures are no longer medically necessary, whichever
7 occurs sooner.

8 It is further ORDERED that ICE shall provide a copy of this order to Mr. Sylla forthwith.

9 It is further ORDERED that the Government shall file a status report on or before July
10 31, 2008, updating the Court as to Mr. Sylla's medical condition, at which time the Court will
11 consider whether to again extend the duration of said order. If Mr. Sylla is removed from the
12 United States before July 31, 2008, the Government shall immediately notify the Court of that
13 development.

14 DATED this 30th day of June, 2008.

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17 RONALD B. LEIGHTON
18 UNITED STATES DISTRICT JUDGE

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20 Presented by:
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22 JEFFREY C. SULLIVAN
United States Attorney
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24 /s/ Robert P. Brouillard
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THIRD ORDER EXTENDING ORDER GRANTING
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